

### **REMARKS**

Claims 121-239 are pending and under examination. Claims 121-178, 182-185, 190, 195-218, 222, 224, 225, 230, and 235-239 have been canceled without prejudice to Applicant pursuing these claims in a related application. Claims 179, 192, 219 and 232 have been amended. Support for the amendments can be found throughout the specification and the claims as filed. Accordingly, these amendments do not raise an issue of new matter and entry thereof is respectfully requested. Entry of the proposed amendments is respectfully submitted to be proper because the amendments are believed to place the claims in condition for allowance.

#### **Regarding the Allowable Subject Matter**

Applicant appreciates the indication by the Examiner that claims 186-189, 223 and 226-229 would be allowable if rewritten in independent form. In this regard, it is pointed out that claim 179, from which claims 186-189 depend, and claim 219, from which claims 223 and 226-229 depend, have been amended so that the Markush group recited in claims 179 and 219 recite only those metals recited in allowable claims 186-189, 223 and 226-229. Therefore, in lieu of rewriting claims 186-189, 223 and 226-229 in independent form, claims 179 and 219 have been amended to recite the metals considered allowable. Accordingly, it is respectfully submitted that independent claims 179 and 219 should be allowable. Furthermore, additional claims which depend from these independent claims, claims 180, 181, and 191-194 depending from claim 179 and claims 220, 221, and 231-234 depending from claim 219, similarly should be considered allowable since they also encompass the metals indicated to be allowable. Accordingly, Applicant respectfully submits that currently pending claims 179-181, 186-189, 191-194, 219-221, 223, 226-229 and 231-234 should be allowable.

#### **Rejections Under 35 U.S.C. § 112**

The rejection of claims 121-178 under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement, is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot by the cancellation of these claims. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

The rejection of claims 122, 160, 181 and 221 under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description is respectfully traversed. Applicant respectfully submits that the rejection of claims 122 and 160 has been rendered moot by the cancellation of these claims. With respect to claims 181 and 221, the Office Action indicates that the Examiner cannot find basis in the specification for the term “tannic acid.” Applicant respectfully points out that original claim 31 describes a first metal salt formulation or a second oxidizing agent formulation that can include tannic acid (line 8 of claim 31). Therefore, Applicant respectfully maintains that the term “tannic acid” in a second aqueous solution comprising an oxidizing agent solution is supported by the specification and requests that this rejection be withdrawn.

The rejection of claims 121-138, 140-156, 158-176, 178, 200-216 and 218 under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot by the cancellation of these claims. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

The rejection of claims 133, 152, 171, 192, 212 and 232 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for the term “manganese (II) chloride” is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot by the cancellation of claims 133, 152, 171 and 212. With respect to claims 192 and 232, Applicant respectfully submits that this rejection has been rendered moot with respect to these claims because the claims have been amended to omit the term “manganese (II) chloride.” Accordingly, Applicant respectfully request that this rejection be withdrawn.

The rejection of claims 198 and 238 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot by the cancellation of these claims. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

The rejection of claims 197, 199, 237 and 239 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot by the cancellation of these claims. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

The rejection of claims 137, 175, 196, 215 and 236 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot by the cancellation of these claims. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

#### Double Patenting

The Office Action indicates that claims 198 and 238 are considered substantial duplicates of claims 179 and 219. Claims 198 and 238 have been canceled.

#### Rejections Under 35 U.S.C. § 102

The rejection of claims 179, 180, 190, 193, 194, 197, 198, 200, 201, 210, 211, 213, 214, 216, 217, 219, 220, 230, 231, 233, 234, 237 and 238 under 35 U.S.C. § 102(b) as allegedly anticipated by Dombay, U.S. Patent No. 3,554,785, is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot with respect to claims 190, 197, 198, 200, 201, 210, 211, 213, 214, 216, 217, 230, 237 and 238 due to the cancellation of these claims. With respect to claims 179 and 219, and dependent claims 180, 193, 194, 220, 231, 233, and 234, Applicant refers to the discussion above regarding allowable subject matter. In light of the above, it is respectfully submitted that these claims are novel over Dombay and, accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of claims 179, 180, 190, 193 194, 197, 198, 200, 201, 211, 213, 214, 216, 217, 219, 220, 230, 231, 233, 234, 237 and 238 under 35 U.S.C. § 102(b) as allegedly anticipated by Matsushita, JP 60-250906, is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot with respect to claims 190, 197, 198, 200, 201, 210, 211, 213, 214, 216, 217, 230, 237 and 238 due to the cancellation of these claims. With respect to claims 179 and 219, and dependent claims 180, 193, 194, 220, 231, 233, and 234, Applicant refers to the discussion above regarding allowable subject matter. In light of the above, it is respectfully submitted that these claims are novel over Matsushita and, accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of claims 121, 122, 126, 132, 134, 135, 138, 139, 141, 145, 151, 153, 154, 156, 157, 159, 164, 170, 172, 173, 176, 177, 179, 180, 185, 191, 193, 194, 197, 198, 200, 201,

205, 211, 213, 214, 216, 217, 219, 220, 225, 231, 233, 234, and 238 under 35 U.S.C. § 102(b) as allegedly anticipated by Matsushita, JP 61-23704, is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot with respect to claims 121, 122, 126, 132, 134, 135, 138, 139, 141, 145, 151, 153, 154, 156, 157, 159, 164, 170, 172, 173, 176, 177, 185, 197, 198, 200, 201, 205, 211, 213, 214, 216, 217, 225, and 238 due to the cancellation of these claims. With respect to claims 179 and 219, and dependent claims 180, 191, 193, 194, 220, 231, 233, 234, Applicant refers to the discussion above regarding allowable subject matter. In light of the above, it is respectfully submitted that these claims are novel over Matsushita and, accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of claims 200, 201, 205, 208-211, 213 and 214 under 35 U.S.C. § 102(b) as allegedly anticipated by Lorenz, U.S. Patent No. 5,525,123, is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot by the cancellation of these claims. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

#### Rejections Under 35 U.S.C. § 103

The rejection of claims 179, 180, 182, 184, 191-195, 197, 198, 200-202, 204, 211-217, 219, 220, 224, 231-235, 237 and 238 under 35 U.S.C. § 102(b) as allegedly obvious over Bures, CS 145495, is respectfully traversed. Applicant respectfully submits that this rejection has been rendered moot with respect to claims 182, 184, 195, 197, 198, 200-202, 204, 211-217, 224, 235, 237 and 238 due to the cancellation of these claims. With respect to claims 179 and 219, and dependent claims 180, 191-194, 220, and 231-234, Applicant refers to the discussion above regarding allowable subject matter. In light of the above, it is respectfully submitted that these claims are unobvious over Bures and, accordingly, it is respectfully requested that this rejection be withdrawn.

#### Objection to the Claims

Claims 133, 152, 171, 192, 212 and 232 are objected to for repetition of the term “cerium (III) perchlorate.” This objection has been rendered moot by the cancellation of claims 133, 152, 171 and 212. With respect to claims 192 and 232, these claims have been amended to recite the term “cerium (III) perchlorate” only once. Accordingly, Applicant respectfully requests that this objection be withdrawn.

CONCLUSION

In light of the amendments and remarks herein, Applicant submits that the claims are now in condition for allowance and respectfully requests a notice to this effect. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Deborah L. Cadena

Registration No. 44,048

4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122  
Phone: 858.535.9001 DLC:JRL  
Facsimile: 858.597.1585  
**Date: January 31, 2005**

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as our correspondence address.**